

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA
MARTINSBURG**

UNITED STATES OF AMERICA,

Plaintiff,

v.

**CRIMINAL NO. 3:04CR16
(Judge Bailey)**

ROBERT CRAIG COLEMAN,

Defendant.

**ORDER ADOPTING REPORT AND RECOMMENDATION AND REVOKING
SUPERVISED RELEASE**

On July 12, 2007, the defendant's supervising probation officer, Jocelyn R. Petsko, filed a petition to revoke the defendant's supervised release (Doc. 7) alleging that the defendant violated the terms of his supervision by illegally possessing a controlled substance, by unlawfully using a controlled substance, by purchasing, possessing, using, distributing, or administering a controlled substance, by frequenting places where controlled substances are illegally sold, used, distributed, or administered, by failing to participate in a program of testing and treatment for substance abuse, by failing to report to the probation officer, and by failing to answer truthfully all inquiries of the probation officer.

On July 19, 2007, United States Magistrate Judge David J. Joel conducted a hearing on the petition. At the hearing, the parties informed the Court that they had reached an agreement in regard to the alleged violations. Pursuant to that agreement, the defendant admitted guilt to alleged violations in exchange for the United States' recommendation that the defendant receive a four (4) month term of incarceration with a thirty-two (32) month term of supervised release to follow. On August 2, 2007, Magistrate Judge Joel issued his

written Report and Recommendation (Doc. 12) recommending that the parties' agreement be given effect.

Magistrate Judge Joel's Report and Recommendation informed the parties that they could file written objections within 10 days of service, and warned that a failure to file objections would waive the party's appellate rights should this Court adopt the Magistrate Judge's recommendations. 28 U.S.C. § 636(b)(1); *Thomas v. Arn*, 474 U.S. 140 (1985). To date, neither party has filed objections to the Report and Recommendation (Doc. 12).

Pursuant to 28 U.S.C. § 636(b)(1), this Court conducted a *de novo* review of the above. As a result, the Court is of the opinion that the Magistrate Judge's Report and Recommendation (Doc. 12) should be, and is hereby, **ORDERED** adopted. As such, the Court now **REVOKES** the defendant's supervised release, and institutes a four (4) month term of incarceration with a thirty-two (32) month term of supervised release to follow. The Court respectfully makes the following recommendations to the Bureau of Prisons:

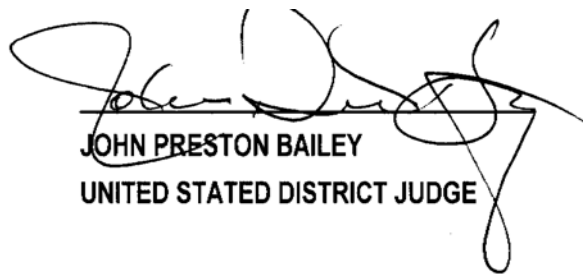
1. That the defendant receive credit for time served in connection with the admitted violations;

A Judgment and Commitment Order shall follow.

It is so **ORDERED**.

The Clerk is directed to transmit true copies of this Order to the defendant, all counsel of record, and the appropriate agencies.

DATED this 22nd day of August, 2007.



JOHN PRESTON BAILEY
UNITED STATES DISTRICT JUDGE